

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 446

Introduced by Assembly Member Soto

February 16, 2007

An act to amend Section ~~798.73.5~~ 798.73 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 446, as amended, Soto. Mobilehomes.

Existing law generally prohibits the removal of a mobilehome from a mobilehome park in the event of its sale to a 3rd party during the term of the homeowner's rental agreement or in the 60 days following the provision of a specified notice. Existing law permits park management to require removal of a mobilehome upon its sale to a 3rd party, in order to upgrade the quality of the park, if it is not a mobilehome, as defined, if it is over a specified number of years old, or if it is in a significantly rundown condition.

This bill would prohibit management of a park from requiring removal of a mobilehome from a park upon its sale to a 3rd party, as described above, unless management establishes the particular condition that permits its removal and provides to the homeowner notice particularly specifies that condition.

~~Existing law provides that in the case of a sale or transfer of a mobilehome that will remain in the park, the management may only require repairs or improvements to the mobilehome, its appurtenances, or an accessory structure if (1) the repair or improvement is to the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management, (2) the repair or improvement~~

is based upon or is required by a local ordinance or state statute relating to mobilehomes or implements or enforces a rule or regulation of the park, as specified, and (3) the repair or improvement relates to the exterior of the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management. Existing law also requires the management of a mobilehome park, in the case of sale or transfer of a mobilehome that will remain in the park, to provide a homeowner with a written summary of repairs or improvements that management requires to the mobilehome, its appurtenances, or an accessory structure that is not owned and installed by the management no later than 10 business days following the receipt of a request for this information, as specified.

~~This bill would provide that a notice from the management to the homeowner who is selling the mobilehome which states that the mobilehome must be removed from the park upon resale is void and unenforceable if the management has not complied with the provisions described above.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 798.73 of the Civil Code is amended to
- 2 read:
- 3 798.73. The management may not require the removal of a
- 4 mobilehome from the park in the event of its sale to a third party
- 5 during the term of the homeowner's rental agreement or in the 60
- 6 days following the initial notice required by paragraph (1) of
- 7 subdivision (b) of Section 798.55. However, in the event of a sale
- 8 to a third party, in order to upgrade the quality of the park, the
- 9 management may require that a mobilehome be removed from the
- 10 park where:
- 11 (a) It is not a "mobilehome" within the meaning of Section
- 12 798.3.
- 13 (b) It is more than 20 years old, or more than 25 years old if
- 14 manufactured after September 15, 1971, and is 20 feet wide or
- 15 more, and the mobilehome does not comply with the health and
- 16 safety standards provided in Sections 18550, 18552, and 18605 of
- 17 the Health and Safety Code and the regulations established
- 18 thereunder, as determined following an inspection by the

1 appropriate enforcement agency, as defined in Section 18207 of
2 the Health and Safety Code.

3 (c) The mobilehome is more than 17 years old, or more than 25
4 years old if manufactured after September 15, 1971, and is less
5 than 20 feet wide, and the mobilehome does not comply with the
6 construction and safety standards under Sections 18550, 18552,
7 and 18605 of the Health and Safety Code and the regulations
8 established thereunder, as determined following an inspection by
9 the appropriate enforcement agency, as defined in Section 18207
10 of the Health and Safety Code.

11 (d) It is in a significantly rundown condition or in disrepair, as
12 determined by the general condition of the mobilehome and its
13 acceptability to the health and safety of the occupants and to the
14 public, exclusive of its age. The management shall use reasonable
15 discretion in determining the general condition of the mobilehome
16 and its accessory structures. The management shall bear the burden
17 of demonstrating that the mobilehome is in a significantly rundown
18 condition or in disrepair. The management of the park may not
19 require repairs or improvements to the park space or property
20 owned by the management, except for damage caused by the
21 actions or negligence of the homeowner or an agent of the
22 homeowner.

23 (e) *The management shall not require a mobilehome to be*
24 *removed from the park, pursuant to this section, unless both of the*
25 *following are true:*

26 (1) *The management has established that the mobilehome is*
27 *described by subdivision (a), (b), (c), or (d).*

28 (2) *The management has provided to the homeowner notice*
29 *particularly specifying the condition that permits the removal of*
30 *the mobilehome.*

31 ~~SECTION 1. Section 798.73.5 of the Civil Code is amended~~
32 ~~to read:~~

33 ~~798.73.5. (a) In the case of a sale or transfer of a mobilehome~~
34 ~~that will remain in the park, the management may only require~~
35 ~~repairs or improvements to the mobilehome, its appurtenances, or~~
36 ~~an accessory structure that meet all of the following conditions:~~

37 ~~(1) Except as provided by Section 798.83, the repair or~~
38 ~~improvement is to the mobilehome, its appurtenances, or an~~
39 ~~accessory structure that is not owned and installed by the~~
40 ~~management.~~

1 ~~(2) The repair or improvement is based upon or is required by~~
2 ~~a local ordinance or state statute or regulation relating to~~
3 ~~mobilehomes, or a rule or regulation of the mobilehome park that~~
4 ~~implements or enforces a local ordinance or a state statute or~~
5 ~~regulation relating to mobilehomes.~~

6 ~~(3) The repair or improvement relates to the exterior of the~~
7 ~~mobilehome, its appurtenances, or an accessory structure that is~~
8 ~~not owned and installed by the management.~~

9 ~~(b) The management, in the case of sale or transfer of a~~
10 ~~mobilehome that will remain in the park, shall provide a~~
11 ~~homeowner with a written summary of repairs or improvements~~
12 ~~that management requires to the mobilehome, its appurtenances,~~
13 ~~or an accessory structure that is not owned and installed by the~~
14 ~~management no later than 10 business days following the receipt~~
15 ~~of a request for this information, as part of the notice required by~~
16 ~~Section 798.59. This summary shall include specific references to~~
17 ~~park rules and regulations, local ordinances, and state statutes and~~
18 ~~regulations relating to mobilehomes upon which the request for~~
19 ~~repair or improvement is based.~~

20 ~~(c) The provisions of this section enacted at the 1999-2000~~
21 ~~Regular Session of the Legislature are declarative of existing law~~
22 ~~as they pertain to allowing park management to enforce park rules~~
23 ~~and regulations; these provisions specifically limit repairs and~~
24 ~~improvements that can be required of a homeowner by park~~
25 ~~management at the time of sale or transfer to the same repairs and~~
26 ~~improvements that can be required during any other time of a~~
27 ~~residency.~~

28 ~~(d) A notice from the management to the homeowner who is~~
29 ~~selling the mobilehome that states that the mobilehome must be~~
30 ~~removed from the park upon resale is void and unenforceable if~~
31 ~~the management has not complied with this section.~~